

TRANSMITTAL FOR U.S. PATENT APPLICATION  
UNDER 37 CFR §1.53(b)

**Mail Stop Patent Application**

Exp. Mail Cert. EV 323453767 US

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the original patent application of:

Inventors: Alain C. Brainos II, et al.

For: ***System and Method for Selectively Recovering Frames in a  
Communications Environment***

Pursuant to 37 C.F.R. § 1.213(a), Applicant respectfully requests that the above-identified patent application not be published under 35 U.S.C. § 122(b). Applicant hereby certifies that the invention disclosed in the above-identified application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

## Enclosed are:

This fee transmittal form (2 pages);  
Applicant is Large Entity;  
Specification, Claims and Abstract (30 pages);  
Formal Drawings (3 pages);  
Combined Executed Declaration and Power of Attorney (4 pages);  
Assignment (5 pages) of the invention to Cisco Technology, Inc. and cover sheet(s) (2 pages) in compliance with 37 C.F.R. § 3.28 and § 3.31, including the Assignment recordal fee of \$40.00 pursuant to 37 C.F.R. § 1.21(h);  
Nonpublication Request Under 35 U.S.C. § 122(b)(2)(B)(i) (1 page);  
Information Disclosure Statement (2 pages);  
Form 1449 (1 page);  
Certificate of Mailing by Express Mail (1 page);  
Baker Botts L.L.P. acknowledgement postcard (1); and  
Patent application filing fee in the amount of \$1,050.00.

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee
Total Claims	26	-20	6	X \$18 =	108.00
Independent Claims	5	-3	2	X \$86 =	172.00
TOTAL FILING FEE =					\$ 1,050.00

Please charge any additional fees or credit any overpayment to Deposit  
Account No. 02-0384 of Baker Botts L.L.P.

BAKER BOTTS L.L.P.  
Attorneys for Applicant

  
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**05073**

Patent Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:                      Alain C. Brainos II, et al.

Title:    *System and Method for Selectively Recovering Frames  
in a Communications Environment*

**MAIL STOP PATENT APPLICATION**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Transmittal Form (2 pages), Patent Application (30 pages), Formal Drawings (3 pages), combined Declaration and Power of Attorney (4 pages), Nonpublication Request (1 page), Assignment (5 pages), Assignment Recordation Form (2 pages), Information Disclosure Statement (2 pages), PTO Form 1449 (1 page), a Baker Botts L.L.P. acknowledgment postcard (1), and checks in the amounts of \$1,050.00 and \$40.00, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 12<sup>th</sup> day of December 2003 and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.



Willie Jiles

Express Mail Receipt  
No. EV 323453767 US  
Attorney's Docket: 062891.1191 (rc)

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	Named Inventors	Alain C. Brainos II, et al.	
	Title	System and Method for Selectively Recovering Frames in a Communications Environment	
	Atty Docket Number	062891.1191	

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

BAKER BOTTS L.L.P.  
Attorneys for Applicant

December 12, 2003  
Date

Thomas J. Frame  
Signature

Thomas J. Frame  
Typed or printed name  
Reg No. 47,232

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.